



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 12, 2019

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte, S2 17 Cr. 548 (PAC)*

Dear Judge Crotty:

We write in response to the defendant's motion to sever certain counts of the S2 Superseding Indictment. (Dkt. No 101). The Government agrees to proceed to two separate trials as proposed by the defendant: (i) one trial addressing Counts One through Eleven, which include charges related to the theft and transmission of classified information, false statements, obstruction of justice, and contempt of court (the "Espionage Trial"), and (ii) another trial addressing Counts Twelve through Fifteen, which include charges related to the possession of child pornography and copyright infringement. Although the Government does not oppose the defendant's severance motion, the Government does not concede that evidence of, for example, the child pornography and copyright infringement offenses is necessarily inadmissible at the Espionage Trial. To the extent the Government seeks to admit any such evidence at the Espionage Trial, the Government will, in advance of trial, file motions *in limine* addressing those evidentiary issues.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: _____ /s/

Sidhardha Kamaraju / Matthew Laroche
Assistant United States Attorneys
Tel.: 212-637-6523/2420

Cc: Defense Counsel (via ECF)